

MEMORIAL RESOLUTION

S.R. 188 - By Parmer: In memory of J. Verna Leggett of Fort Worth.

CONGRATULATORY RESOLUTIONS

S.R. 187 - By Harris: Commending the Waters family for the contributions they have made to the City of Dallas and congratulating the Park Cities News on its 50th anniversary.

S.R. 189 - By Edwards: Extending congratulations to Mr. and Mrs. Ed Comer of Evant on their 50th wedding anniversary.

S.R. 190 - By Edwards: Extending congratulations to Mr. and Mrs. Frank R. Torres of Waco on their 50th wedding anniversary.

S.R. 191 - By Edwards: Extending congratulations to Mr. and Mrs. Theron J. Horn of Corsicana on their 50th wedding anniversary.

S.R. 192 - By Edwards: Extending congratulations to Mr. and Mrs. Ed Staples of Gun Barrel City on their 50th wedding anniversary.

S.R. 193 - By Edwards: Extending congratulations to Mr. and Mrs. O. L. Whittington of Gholson on their 50th wedding anniversary.

S.R. 194 - By Edwards: Extending congratulations to Angela Martin of Corsicana on her recent athletic achievement.

S.R. 195 - By Edwards: Extending congratulations to Mr. and Mrs. O. R. Sanders of Waco on their 50th wedding anniversary.

S.R. 196 - By Edwards: Extending congratulations to Mr. and Mrs. James Woodlock of Bellmead on their 25th wedding anniversary.

S.R. 197 - By Edwards: Extending congratulations to Mr. and Mrs. Parke D. Evers of Waco on their 50th wedding anniversary.

S.R. 198 - By Edwards: Extending congratulations to Mr. and Mrs. Felix Gutierrez, Sr., of Moody on their 50th wedding anniversary.

S.R. 199 - By Glasgow: Expressing the appreciation and gratitude of the Senate to Dr. Jack L. Eidson of Weatherford, Capitol Physician for the Day.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 12:18 p.m. adjourned until 11:00 a.m. tomorrow.

TWENTY-FIRST DAY
(Thursday, March 2, 1989)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brooks, Brown, Caperton, Dickson, Edwards, Glasgow, Green, Haley, Harris, Henderson, Johnson, Krier, Leedom, McFarland, Montford, Parker, Parmer, Ratliff, Santiesteban, Sims, Tejeda, Truan, Uribe, Washington, Whitmire, Zaffirini.

Absent-excused: Carriker, Lyon.

A quorum was announced present.

Senate Doorkeeper Jim Morris offered the invocation as follows:

Our Heavenly Father, on this day as we celebrate our independence, remind us of our dependency. We give thanks for those who served and gave their all in preserving the freedom that we cherish as an individual and as a State. May their memory be honored.

Bless these who serve here today and give to each a sense of being counted on as a participant. In Jesus' name. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVES OF ABSENCE

Senator Lyon was granted leave of absence for today on account of illness on motion of Senator Brooks.

Senator Carriker was granted leave of absence for today on account of important business on motion of Senator Brooks.

REPORTS OF STANDING COMMITTEES

Senator Parker submitted the following report for the Committee on Education:

S.B. 95
S.B. 367
C.S.S.B. 152

Senator Brooks submitted the following report for the Committee on Health and Human Services:

S.B. 545
S.B. 463
S.B. 402
S.B. 302
C.S.S.B. 271

Senator Santiesteban submitted the following report for the Committee on Natural Resources:

S.B. 113

MESSAGE FROM THE HOUSE

House Chamber
March 2, 1989

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 220, Relating to the creation of the offense of the fraudulent transfer of a motor vehicle.

H.C.R. 48, Recognizing September 19, 1989, as POW/MIA Day.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

BILL AND RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate, after the caption had been read, the following enrolled bill and resolutions:

S.C.R. 53
H.B. 1306
H.C.R. 81
H.C.R. 93

HOUSE BILLS ON FIRST READING

The following bills received from the House were read the first time and referred to the Committee indicated:

H.B. 187, To Committee on Intergovernmental Relations.
H.B. 393, To Committee on Health and Human Services.

SENATE BILLS AND RESOLUTION ON FIRST READING

The following bills and resolution were introduced, read first time and referred to the Committee indicated:

S.J.R. 31 by Armbrister Finance
Proposing a constitutional amendment to authorize the exemption from ad valorem taxation of property owned by a nonprofit water supply or wastewater service corporation.

S.B. 771 by Montford Economic Development
Relating to the sale, lease, transfer, and cancellation of certain business opportunity contracts or agreements.

S.B. 772 by Montford Intergovernmental Relations
Relating to the creation of a judicial district composed of Lubbock County.

S.B. 773 by Brown Economic Development
Relating to certain emblems displayed on a security officer's uniform; providing a criminal penalty.

S.B. 774 by Parker Economic Development
Relating to revocation of an insurance company's certificate of authority.

S.B. 775 by Parker Criminal Justice
Relating to the punishment, sentencing, and availability of parole and furloughs for a person convicted of a capital offense.

S.B. 776 by Parker State Affairs
Relating to political contributions in connection with judicial offices; providing a criminal penalty.

S.B. 777 by Uribe Finance
Relating to the ad valorem tax rate of a taxing unit in the year following a year in which it did not impose ad valorem taxes.

S.B. 778 by Green Intergovernmental Relations
Relating to the authority of municipalities and counties to regulate sexually oriented businesses.

S.B. 779 by Caperton Intergovernmental Relations
Relating to the continuation of the County Court at Law of Austin County.

S.B. 780 by Harris, Brooks, Johnson, Leedom, Finance
McFarland, Parker, Santiesteban
Relating to exempting from sales and use taxes certain items used in the production of a motion picture.

S.B. 781 by McFarland Health and Human Services
Relating to certain nonprofit subscription programs for emergency medical services vehicle services.

S.B. 782 by Whitmire Economic Development
Relating to the regulation of persons who practice public accountancy; providing penalties.

S.B. 783 by Whitmire Intergovernmental Relations
Relating to hearings under the fire fighters' and police officers' civil service law.

S.B. 784 by Sims Economic Development
Relating to the delivery of free wine for certain purposes by the holder of a winery permit.

S.B. 785 by Henderson Economic Development
Relating to securities exempt from The Securities Act.

S.B. 808 by Caperton Finance
Relating to a premium tax imposed on certain life, accident, and health insurers.

CO-AUTHOR OF SENATE BILL 152

On motion of Senator Barrientos and by unanimous consent, Senator Edwards will be shown as Co-author of **S.B. 152**.

CO-AUTHOR OF SENATE BILL 205

On motion of Senator Barrientos and by unanimous consent, Senator Edwards will be shown as Co-author of **S.B. 205**.

CO-AUTHOR OF SENATE BILL 246

On motion of Senator Barrientos and by unanimous consent, Senator Edwards will be shown as Co-author of **S.B. 246**.

CO-AUTHOR OF SENATE BILL 367

On motion of Senator Barrientos and by unanimous consent, Senator Edwards will be shown as Co-author of **S.B. 367**.

CO-AUTHOR OF SENATE BILL 598

On motion of Senator Barrientos and by unanimous consent, Senator Edwards will be shown as Co-author of **S.B. 598**.

CO-AUTHOR OF SENATE BILL 769

On motion of Senator Caperton and by unanimous consent, Senator Henderson will be shown as Co-author of **S.B. 769**.

CO-AUTHOR OF SENATE CONCURRENT RESOLUTION 13

On motion of Senator Barrientos and by unanimous consent, Senator Edwards will be shown as Co-author of **S.C.R. 13**.

CO-AUTHOR OF SENATE CONCURRENT RESOLUTION 21

On motion of Senator Barrientos and by unanimous consent, Senator Edwards will be shown as Co-author of S.C.R. 21.

CO-AUTHOR OF SENATE CONCURRENT RESOLUTION 25

On motion of Senator Barrientos and by unanimous consent, Senator Edwards will be shown as Co-author of S.C.R. 25.

CO-AUTHOR OF SENATE CONCURRENT RESOLUTION 26

On motion of Senator Barrientos and by unanimous consent, Senator Edwards will be shown as Co-author of S.C.R. 26.

CO-AUTHOR OF SENATE BILL 740

On motion of Senator Henderson and by unanimous consent, Senator Caperton will be shown as Co-author of S.B. 740.

GUEST PRESENTED

Senator Dickson was recognized and presented Dr. Peggy Newman of Burnet.

The Senate welcomed Dr. Newman, a participant in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians, and expressed appreciation for her contributions today.

SENATE RESOLUTION 173

Senator Armbrister offered the following resolution:

WHEREAS, The people of the State of Texas enjoy a heritage of freedom and independence; and

WHEREAS, That heritage was formally embodied in the establishment of the Republic of Texas by a Declaration of Independence signed on March 2, 1836; and

WHEREAS, Following that Declaration of Independence the ad interim President of the newly formed Republic, David G. Burnet, called for the election of the officials of the first regular administration of the Republic of Texas; and

WHEREAS, The first duly elected government of the Republic of Texas convened on October 3, 1836; Sam Houston, the hero of San Jacinto, was sworn in as the first President of the Republic on October 22, 1836, and the business of the new Republic was conducted at Columbia, now West Columbia, the first permanent capital of the Republic of Texas; and

WHEREAS, It is only fitting that the people of the great State of Texas commemorate the birthplace of the Republic of Texas; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 71st Legislature, hereby declare that the City of West Columbia, formerly known as Columbia, shall be and is hereby recognized as the site of the first permanent capital of the Republic of Texas and as an integral part of the rich historical legacy of the founding fathers of that great Republic.

The resolution was read and was adopted viva voce vote.

SENATE BILL 375 REREFERRED

On motion of Senator Brown and by unanimous consent, S.B. 375 was withdrawn from the Committee on Health and Human Services and rereferred to the Committee on Criminal Justice.

**COMMITTEE SUBSTITUTE
SENATE BILL 276 ON SECOND READING**

On motion of Senator Parker and by unanimous consent, the regular order of business, Senate Rule 7.14 and Section 5 of Article III of the State Constitution were suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 276, Relating to the operation of a moving vessel or the manipulation of water skis, an aquaplane, or other waterborne device while intoxicated; providing criminal penalties.

The bill was read second time.

Senator Parker offered the following amendment to the bill:

Floor Amendment No. 1

(1) Amend **C.S.S.B. 276** by striking lines 15-21 (Subsection (b)), page 2, and substituting in lieu thereof the following:

(b) No person may operate a moving vessel or manipulate water skis, an aquaplane, or a similar device ~~[in a careless or imprudent manner]~~ while the person [he] is intoxicated [or under the influence of intoxicating liquor or while he is under the influence of a narcotic drug, barbituate, or marijuana]. For the purpose of this section, a vessel does not include any device that is propelled solely by the current of the water. A person who violates this subsection commits an offense.

(2) Amend **C.S.S.B. 276** by striking the words "other waterborne" on line 3, page 1, and on lines 8, 16-17, 21, and 26-27, page 4, and substituting in lieu thereof the following words: a similar

The amendment was read and was adopted viva voce vote.

Senator Parker offered the following amendment to the bill:

Floor Amendment No. 2

Amend **C.S.S.B. 276** as follows:

Strike lines 21-25, page 6 (Subsection (n)), and on lines 2-3, page 7, the words "and that an additional offense of refusing to provide a requested specimen may be prosecuted".

Re-letter appropriately remaining subsections and references to remaining subsections.

The amendment was read and was adopted viva voce vote.

On motion of Senator Parker and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 276 ON THIRD READING**

Senator Parker moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 276** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Carriker, Lyon.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent-excused: Carriker, Lyon.

**COMMITTEE SUBSTITUTE
SENATE BILL 525 ON SECOND READING**

On motion of Senator Tejeda and by unanimous consent, the regular order of business, Senate Rule 7.14 and Section 5 of Article III of the State Constitution were suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 525, Relating to the authority of municipalities and counties to license and otherwise regulate sexually oriented businesses; providing a penalty.

The bill was read second time.

Senator Green offered the following amendment to the bill:

Amend **C.S.S.B. 525** as follows:

In Section 1, amend Sec. 243.006 (p. 2, lines 25-34, Committee Printing) by deleting strike-throughs and new language to restore current statutory language.

Re-number subsequent sections accordingly, and title Sec. 243.007 to read "LICENSES OR PERMITS".

The amendment was read and was adopted viva voce vote.

On motion of Senator Tejeda and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

RECORD OF VOTE

Senator Washington asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 525 ON THIRD READING**

Senator Tejeda moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 525** be placed on its third reading and final passage.

The motion by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Carriker, Lyon.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 1. (Same as previous roll call)

SENATE BILL 188 ON SECOND READING

On motion of Senator Brown and by unanimous consent, the regular order of business, Senate Rule 7.14 and Section 5 of Article III of the State Constitution were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 188, Relating to the rights and duties of managing and possessory conservators.

The bill was read second time.

Senator Brown offered the following committee amendment to the bill:

Amend S.B. 188 as follows:

On page 5, line 21 after "6 p.m." add the following words: "on the child's birthday" and before the word "until" on the same line.

The committee amendment was read and was adopted viva voce vote.

Senator Krier offered the following amendment to the bill:

Amend S.B. 188 as follows:

(1) On page 4, insert the following between lines 26 and 27:

SECTION 4. Chapter 14, Family Code, is amended by adding Section 14.033 to read as follows:

Sec. 14.033. FAMILY VIOLENCE. (a) Notwithstanding any provision in a state or local guideline for the possession of and access to a child by a parent named as possessory conservator, a court that finds that a parent has intentionally used abusive physical force shall deny that parent possession of and access to the child unless the court also finds that allowing the parent to have possession of or access to the child is in the best interests of the child.

(b) A court that allows a parent who has intentionally used abusive physical force to have possession of or access to a child:

(1) may order that the possession or access be supervised by a person designated by the court; and

(2) is not required to follow any state or local guidelines for possession of or access to the child.

(c) In determining whether a parent has intentionally used abusive physical force, the court shall consider evidence of the intentional use of abusive physical force by the parent against:

(1) the spouse;

(2) an adult residing in the parent's residence; or

(3) any person younger than 18 years of age.

(2) On page 4, strike lines 15 through 21 and substitute: of a child, the court may restrict the means of travel of the child by a legal mode of transportation only after a showing of good cause.

(3) On page 4, line 27, strike "4" and substitute "5".

(4) On page 4, line 31, strike "5" and substitute "6".

KRIER
BROOKS

The amendment was read and was adopted viva voce vote.

On motion of Senator Brown and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

SENATE BILL 188 ON THIRD READING

Senator Brown moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that S.B. 188 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Carriker, Lyon.

The bill was read third time and was passed viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 171 ON SECOND READING**

On motion of Senator Krier and by unanimous consent, the regular order of business, Senate Rule 7.14 and Section 5 of Article III of the State Constitution were suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 171, Relating to orders for the protection of the family and to the offense of a violation of an order for the protection of the family.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 171 ON THIRD READING**

Senator Krier moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 171** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Carriker, Lyon.

The bill was read third time and was passed viva voce vote.

SENATE BILL 491 ON SECOND READING

On motion of Senator Glasgow and by unanimous consent, the regular order of business, Senate Rule 7.14 and Section 5 of Article III of the State Constitution were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 491, Relating to a program to develop, restore, and preserve central business districts of certain cities.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 491 ON THIRD READING

Senator Glasgow moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.B. 491** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Carriker, Lyon.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent-excused: Carriker, Lyon.

SENATE BILL 237 ON SECOND READING

On motion of Senator Glasgow and by unanimous consent, the regular order of business, Senate Rule 7.14 and Section 5 of Article III of the State Constitution were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 237, Relating to the regulation of the practice of chiropractic.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 237 ON THIRD READING

Senator Glasgow moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.B. 237** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Carriker, Lyon.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent-excused: Carriker, Lyon.

SENATE BILL 169 ON SECOND READING

On motion of Senator Harris and by unanimous consent, the regular order of business, Senate Rule 7.14 and Section 5 of Article III of the State Constitution were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 169, Relating to actions that constitute the practice of chiropractic and certain activities that chiropractors may not perform.

The bill was read second time and was passed to engrossment viva voce vote.

RECORD OF VOTE

Senator Sims asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

SENATE BILL 169 ON THIRD READING

Senator Harris moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.B. 169** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 2.

Yeas: Armbrister, Barrientos, Bivins, Brooks, Brown, Caperton, Dickson, Edwards, Glasgow, Green, Haley, Harris, Henderson, Johnson, Krier, Leedom, McFarland, Montford, Parker, Parmer, Ratliff, Santiesteban, Tejada, Truan, Uribe, Whitmire, Zaffirini.

Nays: Sims, Washington.

Absent-excused: Carriker, Lyon.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 1.

Nays: Sims.

Absent-excused: Carriker, Lyon.

SENATE BILL 320 ON SECOND READING

On motion of Senator Green and by unanimous consent, the regular order of business, Senate Rule 7.14 and Section 5 of Article III of the State Constitution were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 320, Relating to education about and investigation of fires.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 320 ON THIRD READING

Senator Green moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.B. 320** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Carriker, Lyon.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent-excused: Carriker, Lyon.

MOTION TO PLACE

SENATE BILL 321 ON SECOND READING

Senator Green moved that the regular order of business, Senate Rule 7.14 and Section 5 of Article III of the State Constitution be suspended and that **S.B. 321** be taken up for consideration at this time:

S.B. 321, Relating to handling, storage, and use of flammable liquids at retail service stations.

On motion of Senator Green, the motion to suspend the regular order of business, Senate Rule 7.14 and Section 5 of Article III of the State Constitution was withdrawn.

SENATE BILL 429 ON SECOND READING

Senator Glasgow moved that the regular order of business, Senate Rule 7.14 and Section 5 of Article III of the State Constitution be suspended and that **S.B. 429** be taken up for consideration at this time:

S.B. 429, Relating to the creation of the offense of soliciting, accepting, or agreeing to accept a benefit or offering, conferring, or agreeing to confer a benefit as an inducement to enroll in an institution of higher education and to participate in intercollegiate athletics.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Nays: Brooks.

Absent: Washington.

Absent-excused: Carriker, Lyon.

The bill was read second time.

Question - Shall the bill be passed to engrossment?

SENATE BILL 429 SET AS SPECIAL ORDER

On motion of Senator Brooks and by unanimous consent, further consideration of S.B. 429 was postponed until 12:00 noon, Monday, March 6, 1989.

**COMMITTEE SUBSTITUTE
SENATE BILL 245 ON SECOND READING**

On motion of Senator McFarland and by unanimous consent, the regular order of business, Senate Rule 7.14 and Section 5 of Article III of the State Constitution were suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 245, Relating to the collection and management of certain funds by the state.

The bill was read second time.

Senator Washington offered the following amendment to the bill:

Amend C.S.S.B. 245 as follows by inserting the following on page 5, following line 10, adding subsection (g):

(g) The Treasurer may not invest state funds in this chapter in obligations of corporations doing business in the Republic of South Africa. The Treasurer shall subscribe to and maintain lists of corporations doing business in the Republic of South Africa to determine compliance with this section.

On motion of Senator Washington and by unanimous consent, the amendment was withdrawn.

Senator Washington offered the following amendment to the bill:

Amend C.S.S.B. 245 as follows:

Insert the following language on page 5 between lines 9 and 10:

(g) The treasurer may not use state funds to invest in, or purchase obligations of, a private corporation or other private business entity doing business in the Republic of South Africa unless the corporation or other entity:

(1) has adopted the Statement of Principles for South Africa as they existed in 1987 and has obtained a performance rating in Category 1 of the Statement of Principles for South Africa rating system as determined by Arthur D. Little, Inc.;

(2) does not supply strategic products or services for use by the government, military, or police of the Republic of South Africa; and

(3) recognizes the right of all employees who are residents of the Republic of South Africa to organize and strike in support of economic or social objectives, free from the fear of dismissal or blacklisting.

(s) For the purposes of Subsection (r) of this section:

(1) "Doing business in the Republic of South Africa" means conducting or performing manufacturing, assembly, or warehousing operations within the Republic of South Africa or, if a bank or other financial institution, lending money to the government of the Republic of South Africa or any of its agencies or instrumentalities.

(2) "Strategic products or services" means articles designated as arms, ammunition, or implements of war as provided by 22 Code of Federal Regulations Part 121, or data processing equipment or computers sold for military or police use or for use in connection with restrictions on travel within the Republic of South Africa by residents of that country.

The amendment was read and was adopted by the following vote: Yeas 27, Nays 1.

Nays: Sims.

Absent: Uribe.

Absent-excused: Carriker, Lyon.

On motion of Senator McFarland and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 245 ON THIRD READING**

Senator McFarland moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 245** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Nays: Washington.

Absent: Uribe.

Absent-excused: Carriker, Lyon.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0.

Absent: Uribe.

Absent-excused: Carriker, Lyon.

MESSAGE FROM THE HOUSE

House Chamber
March 2, 1989

**HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE**

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 264, Relating to income considered in determining the fee for mental health services.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

**MOTION TO PLACE
SENATE BILL 647 ON SECOND READING**

Senator Truan asked unanimous consent to suspend the regular order of business, Senate Rule 7.14 and Section 5 of Article III of the State Constitution to take up for consideration at this time:

S.B. 647, Relating to organizing Corpus Christi State University and to the funding of Texas A&I University and Del Mar College as affected by the transition of Corpus Christi State University to four-year status.

There was objection.

Senator Truan then moved to suspend the regular order of business, Senate Rule 7.14 and Section 5 of Article III of the State Constitution to take up **S.B. 647** for consideration at this time.

The motion was lost by the following vote: Yeas 24, Nays 3. (Not receiving four-fifths vote of Members present)

Yeas: Armbrister, Barrientos, Bivins, Brooks, Caperton, Dickson, Edwards, Glasgow, Green, Henderson, Johnson, Krier, Leedom, McFarland, Montford, Parker, Parmer, Ratliff, Santiesteban, Tejada, Truan, Washington, Whitmire, Zaffirini.

Nays: Brown, Haley, Sims.

Absent: Harris, Uribe.

Absent-excused: Carriker, Lyon.

**MOTION TO PLACE
SENATE BILL 404 ON SECOND READING**

Senator Henderson moved that the regular order of business, Senate Rule 7.14 and Section 5 of Article III of the State Constitution be suspended and that **S.B. 404** be taken up for consideration at this time:

S.B. 404, Relating to an exemption from the open records law for college transcripts maintained in the personnel files of certain school personnel.

The motion was lost by the following vote: Yeas 23, Nays 4. (Not receiving four-fifths vote of Members present)

Yeas: Armbrister, Barrientos, Bivins, Brown, Dickson, Edwards, Glasgow, Green, Haley, Henderson, Johnson, Leedom, McFarland, Montford, Parker, Parmer, Ratliff, Santiesteban, Tejada, Truan, Washington, Whitmire, Zaffirini.

Nays: Brooks, Caperton, Krier, Sims.

Absent: Harris, Uribe.

Absent-excused: Carriker, Lyon.

MEMORIAL RESOLUTION

H.C.R. 130 - (Krier): In memory of Ted Warmbold of San Antonio.

CONGRATULATORY RESOLUTIONS

S.R. 200 - By Henderson: Extending congratulations to Danielle Denise Fisher for her outstanding academic achievement.

S.R. 201 - By Brooks: Commending the Rebuild National Park Society for its accomplishments in Denmark and the United States.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 1:10 p.m. adjourned until 11:00 a.m. Monday, March 6, 1989.

APPENDIX

Signed by Governor
(March 1, 1989)

S.B. 220 (Effective August 28, 1989)

S.B. 221 (Effective August 28, 1989)

H.C.R. 14

H.C.R. 21

H.C.R. 51

H.C.R. 70

S.C.R. 31

(March 2, 1989)

H.B. 1306 (Effective immediately)

TWENTY-SECOND DAY

(Monday, March 6, 1989)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brooks, Brown, Caperton, Carriker, Dickson, Edwards, Glasgow, Green, Haley, Harris, Henderson, Johnson, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Ratliff, Santiesteban, Sims, Tejada, Truan, Uribe, Washington, Whitmire, Zaffirini.

A quorum was announced present.

Senate Doorkeeper Jim Morris offered the invocation as follows:

Father, this morning we give thanks that we can pause for a moment of silence in a world full of noise and for a moment of peace in a world of unrest. We thank You.

Now to these who serve and search for answers to the needs of our State, give diligence and strength of will as this week's work begins. In His name we pray. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of Thursday, March 2, 1989, was dispensed with and the Journal was approved.

BILL SIGNED

The President announced the signing in the presence of the Senate, after the caption had been read, the following enrolled bill:

S.B. 223